

REMARKS/ARGUMENTS

In the Office Action mailed March 6, 2007, for which a one-month extension of time has been requested, the Examiner has first of all rejected claims 1-9 under 35 USC 101 because allegedly "the claimed inventions are directed to non-statutory subject matter." Applicant respectfully disagrees. The method claims are directed to a technique for notifying events to a user of a wireless communications device. Specifically, the claims enable a wireless communications device to switch between at least two notification profiles, where switching between profiles changes how the device physically alerts upon an event occurrence of a monitored service (e.g., email and alarm). They therefore have a useful, tangible and concrete result. These are not at all disembodied algorithms. Accordingly, the rejection of 35 USC 101 is believed to be improper.

The Examiner has also rejected claims 1, 3-12 and 14-20 under 35 USC 103(a) as being allegedly obvious in view of Martinez (US 2002/0142792) and Moton (US 7,116,977). First of all, Applicant submits that there is not a proper basis, motivation or suggestion to combine these two references. Applicant respectfully submits that it is improper to cobble together stray elements from the prior art to reconstruct the invention in an *ex post facto* manner. Many inventions appear "obvious" in hindsight, and can be reconstructed by picking and choosing key elements from the prior art.

Nevertheless, in the hope of bringing prosecution to a close, Applicant has further amended independent claims 1, 10 and 20 to distinguish more clearly over the art cited. Even if there is proper motivation and suggestion to combine these references, amended claims 1, 10 and 20 now distinguish over the art cited.

In particular claims 1 and 20 have been amended by inserting the following limitation:

"wherein the first and second notification profiles each define respective notification control options that apply to the notification of events generated by at least two different event generating and handling components on the device wherein the event generating and handling components on the device include an alarm, a calendar, email, phone and SMS."

Claim 10 has been amended by inserting a similar limitation:

“that apply to the notification of events generated by at least two different event generating and handling components on the device wherein the event generating and handling components on the device include an alarm, a calendar, email, phone and SMS”.

Neither Martinez nor Moton, taken alone or in combination, teach or suggest that each of the notification profiles contain respective notification control options that apply to the notification of events generated by at least two different event generating and handling components on the device wherein the event generating and handling components on the device include an alarm, a calendar, email, phone and SMS. The underlined portions are emphasized to demonstrate the distinction between the presently claimed technology and the prior art, taken alone or in combination. Martinez is concerned solely with user profiles for cell phones. Moton describes service features that include call forwarding, call placing, voicemail, specific call routing instructions, ringer on/off, vibration on/off that are varied based on the location of the device.

The presently claimed technology, in contrast, enables a user of a wireless communications device, to set profiles affecting email, SMS, phone, alarm, calendar, and all other “event generating and handling components” on the device. Support for these amendments is found at paragraphs [0041]-[0044] of the specification as originally filed and in FIG. 3 as originally filed. By way of example only, FIG. 3 shows how different profiles (“Loud”, “Quiet”, “Disabled”, etc.) can be selected for specifying how events are to be notified by their respective event generating and handling component such as alarm, calendar, email, phone, SMS. A single profile can then be enabled to affect the notification control options applicable to all of, or optionally a subset of *at least two* of, the event generating and handling components on the device. Neither Moton nor Martinez, whether taken alone or in combination, teach or suggest the ability to enable a user notification profile that affects at least two of the event generating and handling components on the device. For this reason alone, Applicant respectfully submits that independent claims 1, 10, and 20, as amended, and their respective dependencies, distinguish patentably over the references cited.

In view of the foregoing amendments, it is respectfully requested that the claim rejections be withdrawn and that a Notice of Allowance be issued.

Applicant hereby tenders the fee for a one-month extension of time under 37 C.F.R. § 1.136. Please charge this fee to our Deposit Account No. 19-5113. If any other fee or extension is required to obtain entry of this response, such fee and extension is hereby tendered and requested.

Respectfully submitted,
Denny CHIU et al.

By / Matthew M. Roy /
Matthew M. Roy
Registration No. 48,074
Attorney for Applicant

MMR/ma

Address: Ogilvy Renault LLP
1981 McGill College Avenue, Suite 1600
Montreal, Quebec, Canada H3A 2Y3
Tel. (613) 780-8659